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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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CHANDLER RUSSELL ROSE,

Plaintiff,

v.

OFFICERS K. HANCOCK, J. RICHARDS, &  
J. JACKSON, Agents of the CLEARFIELD  
POLICE DEPARTMENT

Defendants.

MEMORANDUM, DECISION, & ORDER

Case No. 1:12-cv-00110 DB

District Judge Dee Benson

U.S. Magistrate Judge Dustin Pead

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Both Plaintiff and Defendants filed numerous motions related to Plaintiff's efforts to conduct depositions of Defendants. The Court has reviewed all memorandums, replies, and responses related to these motions. It renders the following orders.

**I. Defendants' Motion to Stay Discovery Until the October 10, 2012 Initial Pretrial Conference**

Defendants' Motion to Stay Discovery Until the October 10, 2012 Initial Pretrial Conference<sup>1</sup> is rendered moot because of the Court's ruling on Defendants' subsequent Motion to Stay Discovery Until the Conclusion of Related Criminal Proceedings.

**II. Plaintiff's Motion to Strike Defendant's Motion to Stay Discovery Until the October 10, 2012 Initial Pretrial Conference**

Plaintiff's Motion to Strike Defendant's Motion to Stay Discovery Until the October 10, 2012 Initial Pretrial Conference is denied.<sup>2</sup>

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<sup>1</sup> Docket No. 17.

<sup>2</sup> Docket No. 28.

### **III. Defendants' Motion to Stay Discovery Until the Conclusion of Related Criminal Proceedings**

For the reasons set forth in Defendants' Motion to Stay Discovery Until the Conclusion of Related Criminal Proceedings, and Defendants' memorandum, and reply in support thereof, the Court grants the Motion.<sup>3</sup> Specifically, the Court agrees with Defendants' position that, pursuant to the *Younger* Doctrine: (1) civil discovery in this case might interfere with ongoing state criminal proceedings against Plaintiff that arise from the same incident at issue in the civil case; (2) the state of Utah has an important interest in pursuing criminal proceedings; and (3) state proceedings offer an adequate opportunity for Plaintiff to litigate federal constitutional issues he raised in his civil complaint.<sup>4</sup> *Buck v. Myers*, No. 06-4236, 2007 WL 1982188, at \*3 (10<sup>th</sup> Cir. July 10, 2007) (unpublished) (citing *Younger v. Harris*, 401 U.S. 37, 91 (1971)).

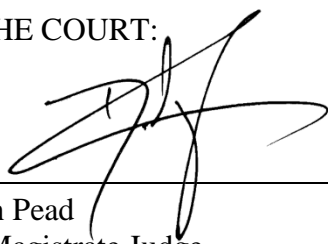
### **IV. Plaintiff's Motion to Compel Defendants' Depositions, and Request for an Expedited Decision**

Plaintiff's Motion to Compel Defendants' Depositions, and Request for an Expedited Decision is stayed pending the resolution of related criminal proceedings.<sup>5</sup>

Upon notification by the parties that criminal proceedings have been resolved, the parties may request a scheduling conference.

IT IS SO ORDERED this 10<sup>th</sup> day of October, 2012

BY THE COURT:

  
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Dustin Pead  
U.S. Magistrate Judge

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<sup>3</sup> Docket No. 24.

<sup>4</sup> Docket Nos. 25, 34.

<sup>5</sup> Docket No. 20.